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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/706,392	11/12/2003	Kuniya Maruyama	MAKU 8814US	6840		
1688	7590 01/04/2005		EXAM	EXAMINER		
	, LIEDER, WOODRUFF &	REESE, DAVID C				
12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615		200	ART UNIT	PAPER NUMBER		
			3677			
•			DATE MAILED: 01/04/200:	5		

Please find below and/or attached an Office communication concerning this application or proceeding.

			Application No.		Applicant(s)			
Office Action Summary		10/706,392		MARUYAMA, KUNIYA		X		
		Examiner		Art Unit				
		David C. F		3677				
- Period for	- The MAILING DATE of this communication ap Reply	pears on the	cover sheet with the d	correspondence a	ddress			
THE M - Extens after S - If the p - If NO p - Failure Any re	PRTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. Sions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. Deriod for reply specified above is less than thirty (30) days, a rep- period for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by status ply received by the Office later than three months after the mailing dipatent term adjustment. See 37 CFR 1.704(b).	136(a). In no even ply within the state will apply and wite, cause the apply and wite, cause the apple.	ent, however, may a reply be ting story minimum of thirty (30) day Il expire SIX (6) MONTHS from ication to become ABANDONE	mely filed ys will be considered time the mailing date of this ED (35 U.S.C. § 133).	ely. communication.			
Status								
1)🖂 🗆	Responsive to communication(s) filed on <u>12 l</u>	November 2	<u>003</u> .					
2a)□	This action is <b>FINAL</b> . 2b) ☐ Thi	is action is n	on-final.					
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispositio	on of Claims				•			
4) \( \times \) (4) \( \times \) (5) \( \times \) (6) \( \times \) (7) \( \times \) (8	Claim(s) 1-5 is/are pending in the application.  (a) Of the above claim(s) is/are withdrawing claim(s) is/are allowed.  Claim(s) is/are rejected.  Claim(s) is/are objected to.  Claim(s) 1-5 are subject to restriction and/or expressions.	awn from co						
Application	on Papers							
9)□ T	he specification is objected to by the Examin	ner.						
10)∐ T	The drawing(s) filed on is/are: a) ☐ ac	cepted or b)	objected to by the	Examiner.				
,	Applicant may not request that any objection to the	e drawing(s) b	e held in abeyance. Se	e 37 CFR 1.85(a).				
	Replacement drawing sheet(s) including the correction in the correction is objected to by the E	•	•	•	• •			
Priority u	nder 35 U.S.C. § 119							
a)[	Acknowledgment is made of a claim for foreig All b) Some * c) None of:  1. Certified copies of the priority document  2. Certified copies of the priority document  3. Copies of the certified copies of the priority document  application from the International Bureate the attached detailed Office action for a list	nts have bee nts have bee ority docume au (PCT Rul	n received. n received in Applicat ents have been receive e 17.2(a)).	ion No ed in this Nationa	Il Stage			
Attachment(	•		4) [] Inter-free 2	4 (DTO 442)				
	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)		4) Interview Summary Paper No(s)/Mail D					
3) 🔲 Inform	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08 No(s)/Mail Date	8)	5) Notice of Informal I		CO-152)			

Application/Control Number: 10/706,392

Art Unit: 3677

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3, drawn to jewelry, classified in class 63, subclass 34.
- II. Claim 4, drawn to a method of manufacturing jewelry, classified in class29, subclass 896.4.
- III. Claim 5, drawn to a method of cleaning jewelry, classified in class 117, subclass 58.

The inventions are distinct, each from the other because of the following reasons:

Inventions II, III, and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, there is more than one method for manufacturing jewelry, for example, as jewelry can be manufactured with different compositions such as 16 to 20 weight percentage of copper instead of 6 to 15 percent. There is also more than one method for cleaning jewelry, for in the instant case, jewelry can also be cleaned by brushing or scrubbing as opposed to a polishing process.

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for either Group II or Group III, restriction for examination purposes as indicated is proper.

A telephone call was made to Jonathan P. Soifer, P.C. on 12/28/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely, David Reese Assistant Examiner Art Unit 3677

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